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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TENNIS RACQUET EQUIPPED
WITH A TENNIS BALL RETRIEVER

Alice H. Howe

Filed: 09/06/00

) Art Unit: 3711
)
)
Serial No.: 09/655,743
)
Docket No.: MPH 99-46
)

Honorable Commissioner of Patents and Trademarks
Box AF
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

Transmitted herewith to the United States Patent and Trademark Office are the following:

1. Transmittal Form PTO/SB/21, including Certificate of Mailing
2. Response to Office Action Paper No. 9, the Final Rejection
3. Return Receipt Postcard

Dated this 18th day of April, 2002.

Respectfully submitted,

M. Paul Hendrickson

M. Paul Hendrickson
Attorney for Applicant
Registration No. 24523

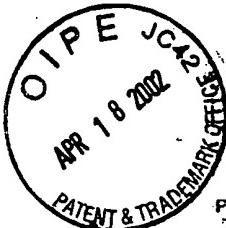
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PTO/SB/21 (08-00)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

30

Application Number

09/655,743

Filing Date

09/06/2000

First Named Inventor

Alice W. Howe

Group Art Unit

3711

Examiner Name

Raleigh W. Chiu

Attorney Docket Number

MPH 99-46

ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

Remarks "The Making of a Tennis Ball", pages 1-9, fax received from Wilson Sporting Goods, leading tennis ball manufacturer.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	M. Paul Hendrickson, Attorney at Law
Signature	<i>m. Paul Hendrickson</i>
Date	04/18/2002

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Signature	<i>Nancy J. Zaborowski</i>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Application No: 09/655,743 ✓
Alice H. Howe) Art Unit 3711
TENNIS RACQUET EQUIPPED) Examiner: Raleigh W. Chiu
WITH A TENNIS BALL RETRIEVER)
Attorney Docket No.: MPH 99-46 Filing Date: 9/06/2000

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RESPONSE

This communication is in response to Office Action Paper No. 9, the Final Rejection of February 21, 2002 rejecting Claims 1-15 under 35 U.S. C. 103(c).

REMARKS

The final rejection is wrong. The Applicant accordingly submits that the final rejection as being in error, premature and without factual or legal foundation and accordingly, should be withdrawn and the claims allowed.

The Examination fails to consider the unbiased facts of record, fails to establish what each reference (as a whole) teaches, arbitrarily combines references in a manner totally contradictory to the reference teachings, disregards crucial claimed limitations (failing to cite any patent or reference teaching the unique claimed limitation), fails to provide a reference teaching disclosing untaught matters, and relies upon false pretense of an admission of equivalency to justify a fabricated assertion of obviousness. The deficiencies of the Examination become further compounded by a forthright disregard of the Commissioner of Patents directive to follow the legal standards of patentability as clearly set forth in Chapter 21 of the M.P.E.P.

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